



House of Representatives

General Assembly

File No. 737

January Session, 2007

House Bill No. 7150

House of Representatives, May 3, 2007

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE FUNDING OF REGIONAL CHILDREN'S PROBATE COURTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-8a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) For the purposes of this section, "children's matters" means: (1)
4 Guardianship matters under sections 45a-603 to 45a-625, inclusive; (2)
5 termination of parental rights matters under sections 45a-706 to 45a-
6 719, inclusive; (3) adoption matters under sections 45a-724 to 45a-733,
7 inclusive, 45a-736 and 45a-737; (4) claims for paternity under section
8 46b-172a; (5) emancipation matters under sections 46b-150 to 46b-150e,
9 inclusive; and (6) voluntary admission matters under section 17a-11.

10 (b) The Probate Court Administrator shall [, within available
11 resources,] establish a regional children's probate court in a region that
12 shall consist of the probate districts of New Haven, Branford, East
13 Haven, Hamden, Milford, North Branford, North Haven, Orange,

14 West Haven and Woodbridge. In establishing such court, the Probate
15 Court Administrator shall consult with the probate judges of such
16 districts, each of whom may participate on a voluntary basis.

17 (c) In addition to the court established under subsection (b) of this
18 section, the Probate Court Administrator may, within available
19 appropriations, establish six additional regional children's probate
20 courts in regions designated by the Probate Court Administrator. In
21 establishing such courts, the Probate Court Administrator shall consult
22 with the probate judges of the districts located in each designated
23 region, each of whom may participate on a voluntary basis.

24 (d) The Probate Court Administrator may establish a regional
25 children's probate court under this section in (1) any existing probate
26 court facility within a district located in a region, or (2) a separate
27 facility located in a region as may be designated by the Probate Court
28 Administrator. Each regional children's probate court shall be
29 established and operated with the advice of the participating probate
30 judges of such districts and the administrative judge appointed under
31 subsection (g) of this section. Such participating probate judges and
32 administrative judge shall serve as the judges of the regional children's
33 probate court, except as provided in subdivision (1) of subsection (g) of
34 this section. Such judges shall hear and determine all children's
35 matters as may come before them on a docket separate from other
36 probate matters.

37 (e) (1) [For the purposes of this section, the Probate Court
38 Administrator may, subject to the provisions of section 45a-84, expend
39 from the Probate Court Administration Fund established under section
40 45a-82 such amounts as the Probate Court Administrator may deem
41 reasonable and necessary for the establishment, improvement,
42 maintenance and operations of court facilities located in each such
43 designated region] Funds for the establishment, improvement,
44 maintenance and operation of regional children's probate courts and
45 the compensation of the administrative judges and employees of such
46 courts shall be paid from amounts appropriated from the General

47 Fund for the purposes of this section.

48 (2) Nothing in this section shall be construed to relieve any town of
49 its obligation to provide and maintain court facilities pursuant to
50 section 45a-8.

51 (f) The Probate Court Administrator may, [subject to the provisions
52 of section 45a-84, expend moneys from the Probate Court
53 Administration Fund to pay] within available appropriations, provide
54 for necessary improvements of a facility designated as a regional
55 children's probate court under this section, [to pay operating expenses
56 of a regional children's probate court] and [to] reimburse participating
57 towns or cities for any costs of leasing office space for a regional
58 children's probate court, and any necessary improvements thereto, and
59 for expenses under subsection (g) of this section.

60 (g) (1) The Probate Court Administrator, with the advice of the
61 participating probate judges of the districts located in the designated
62 region, shall appoint an administrative judge for each regional
63 children's probate court. The administrative judge shall be a probate
64 judge at the time of such appointment. If the administrative judge
65 ceases to serve as a probate judge after such appointment, the
66 administrative judge may continue to serve as administrative judge at
67 the pleasure of the Probate Court Administrator, but shall not have the
68 powers granted to an elected probate judge and shall not hear and
69 determine children's matters before such regional children's probate
70 court. Subject to the approval of the Chief Court Administrator, the
71 Probate Court Administrator shall fix the compensation of the
72 administrative judge, [and such compensation shall be paid from the
73 Probate Court Administration Fund.] Such compensation, together
74 with the administrative judge's compensation as a probate judge of the
75 district to which he or she was elected, shall not exceed the
76 compensation provided under subsection (k) of section 45a-92. The
77 administrative judge shall have such benefits as may inure to him or
78 her as a probate judge and shall receive no additional benefits, except
79 for compensation provided under this section.

80 (2) Each administrative judge shall be responsible for the
81 management of cases, coordination of social services, staff, financial
82 management and record keeping for the regional children's probate
83 court for which the administrative judge is appointed. The
84 administrative judge may, with the approval of the Probate Court
85 Administrator and within available appropriations, purchase
86 furniture, office supplies, computers and other equipment and contract
87 for services that the administrative judge [may deem] considers
88 necessary or advisable for the expeditious conduct of the business of
89 the regional children's probate court. [Such expenses shall be paid for
90 pursuant to section 45a-8.] If a separate facility for a regional children's
91 probate court is established pursuant to subdivision (2) of subsection
92 (d) of this section, the participating town or city shall be reimbursed
93 for such expenses [from the Probate Court Administration Fund] upon
94 presentation of vouchers to, and with the approval of, the Probate
95 Court Administrator.

96 (h) Each administrative judge for a regional children's probate court
97 may, with the approval of the Probate Court Administrator, employ
98 such persons as may be required for the efficient operation of the
99 regional children's probate court. Such employees shall be employees
100 of the regional children's probate court and shall be entitled to the
101 benefits of probate court employees under this chapter. Such
102 employees shall not be deemed to be state employees.

103 (i) Any probate court within a region designated under subsection
104 (b) or (c) of this section may transfer children's matters to the regional
105 children's probate court for such region. Any regional children's
106 probate court may accept transfers and referrals of children's matters
107 from probate courts within its region.

108 (j) Each regional children's probate court shall be considered a
109 probate court for the purposes of this chapter.

110 (k) The Probate Court Administrator shall establish policies and
111 procedures to implement the provisions of this section. [On or before
112 January 3, 2007, the Probate Court Administrator shall submit a report

113 concerning the operation and effectiveness of the regional children's
114 probate courts established under this section to the joint standing
115 committee of the General Assembly having cognizance of matters
116 relating to the judiciary, in accordance with section 11-4a.]

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2007</i>	45a-8a
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JUD *Joint Favorable C/R*

APP

APP *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Probate Court	PCAF - Savings	See Below	See Below
General Fund	GF - Cost	See Below	See Below

Note: PCAF=Probate Court Administration Fund; GF=General Fund

Municipal Impact: None

Explanation

The bill transfers the costs for the establishment, improvement, maintenance, operation, and compensation of judges and employees of the regional children's probate courts from the Probate Court Administration Fund (PCAF) to the General Fund. The Appropriations Act, sHB 7077, as favorably reported by the Appropriations Committee, contains \$1.45 million in FY 08 and \$2.5 million in FY 09 to help address these costs.

The total projected budget for the regional children's probate court in FY 08 is estimated to be \$1.9 million (not including fringe benefits). The projected budget of the regional children's probate courts is expected to increase as additional courts come on-line. Three courts are currently operational: the courts in New Haven, New London, and Wallingford/Meriden.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the establishment of additional courts, or the expansion of existing courts.

OLR Bill Analysis**HB 7150*****AN ACT CONCERNING THE FUNDING OF REGIONAL CHILDREN'S PROBATE COURTS.*****SUMMARY:**

By law, the probate court administrator may establish six additional regional children's probate courts in regions he designates. The bill specifies that he may only do so within available appropriations.

The bill eliminates the probate court administrator's authority to use money in the Probate Court Administration Fund to establish improve, maintain, and operate court facilities located in each such designated region. Instead, it authorizes the administrator pay for establishing, improving, maintaining and operating regional children's probate courts and to compensating their administrative judges and employees be paid from amounts appropriated from the General Fund. This includes, with the administrator's approval, and within available appropriations, buying furniture, office supplies, computers, and other equipment, and contracting for services that the administrative judge considers necessary or advisable. It also includes, within available appropriations, reimbursing participating towns and cities for any costs of leasing office space for a regional court and for any necessary improvements.

Under current law, if a separate facility for a regional children's probate court is established, the participating town or city must be reimbursed for such expenses from the Probate Court Administration Fund upon presentation of vouchers to the probate court administrator. The bill eliminates the requirement that the reimbursement be from the Probate Court Administration Fund and requires the vouchers be presented with the probate court administrator's approval.

EFFECTIVE DATE: July 1, 2007

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Change of Reference

Yea 39 Nay 0 (04/02/2007)

Appropriations Committee

Joint Favorable

Yea 44 Nay 2 (04/17/2007)